



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
1301 CONSTITUTION AVENUE, NW  
WASHINGTON DC 20004

DATE: NOVEMBER 29, 2017

PREPARED BY: SA (b) (6), (b) (7)(C) AND  
SA (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-ADM-0116

CROSS REFERENCE #: OI-HQ-2016-ADM-0063

TITLE: (b) (6), (b) (7)(C); SES, (b) (6), (b) (7)(C)

CASE SUMMARY REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	N/A

**COMPLAINT:** The following investigations were predicated upon two separate complaints regarding (b) (6), (b) (7)(C) Environmental Protection Agency (EPA), that were referred to the EPA Office of Inspector General (OIG) on April 20, 2016 and October 24, 2016.

On April 20, 2016, the OIG Hotline received a complaint on behalf of (b) (6), (b) (7)(C) senior management officials which alleged erratic time and attendance by (b) (6), (b) (7)(C) and revealed an instance in which, (b) (6), (b) (7)(C) failed to attend a conference while on official government travel.

On October 24, 2016, the OIG Hotline received a complaint from (b) (6), (b) (7)(C) alleging (b) (6), (b) (7)(C) abuse, prostitution and drug use by (b) (6), (b) (7)(C)

**INVESTIGATIVE FINDINGS:** In reference to the two received complaints and information developed during the course of the investigation, the OIG identified three allegations to pursue. (1) During the period of time from approximately July 19, 2016 to October 21, 2016, (b) (6), (b) (7)(C) was AWOL on multiple days while (b) (6), (b) (7)(C). There was sufficient evidence to support a finding that (b) (6), (b) (7)(C) was AWOL for 18 days. (2) (b) (6), (b) (7)(C) used a controlled substance, violating the provisions of the Federal Free Workplace Program. In coordination with Labor and Employee Relations, Agents received the results of two urinalysis tests conducted after reasonable suspicion was developed that (b) (6), (b) (7)(C) was routinely using marijuana. This allegation was supported. (3) Lastly, from January 31, 2016 to February 5, 2016, (b) (6), (b) (7)(C) failed to attend a conference as part of (b) (6), (b) (7)(C) official duties and was considered AWOL. This allegation was investigated in a separate but related case, numbered OI-HQ-2016-ADM-0063. A review of records, receipts, credit card charges and several interviews did not support a finding that (b) (6), (b) (7)(C) was AWOL.

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On February 24, 2017, Agents were notified that (b) (6), (b) (7) (C) was presented with a Notice of Proposed Removal and a BAR notice.

On April 7, 2017, an OIG Final Summary Report was delivered to (b) (6), (b) (7) (C) Office of General Counsel, EPA and (b) (6), (b) (7) (C) EPA.

On June 8, 2017, Agents were notified of (b) (6), (b) (7) (C) intention to appeal (b) (6), (b) (7) (C) Notice of Proposed Removal to the Merit Systems Protection Board.

On October 18, 2017, Agents were notified of (b) (6), (b) (7) (C) intention to settle the Notice of Proposed Removal.

**RECOMMENDATION:** Based upon the aforementioned, there are no remaining investigative steps and this investigation is recommended for closure with no further action.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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1301 CONSTITUTION AVE., NW  
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**CASE #:** OI-HQ-2017-ADM-0016 **CROSS REFERENCE #:** **HOTLINE:** 2017-0016

**TITLE:** (b) (6), (b) (7)(C) SES. (b) (6), (b) (7)(C)

**CASE AGENT (if different from prepared by):** (b) (6), (b) (7)(C)

**CASE INITIATION**

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	

**NARRATIVE:**

On October 25, 2016, the Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA), initiated a case pertaining to (b) (6), (b) (7)(C) EPA, after receiving a hotline complaint on October 24, 2016(Attachment 1) from (b) (6), (b) (7)(C) alleging (b) (6), (b) (7)(C) abuse, prostitution, and drug use by (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) Office of Professional Responsibility (OPR), Office of Investigations (OI), Office of Inspector General (OIG), EPA, assigned the complaint for case initiation to (b) (6), (b) (7)(C) Special Agent (SA). OPR, OI, OIG, EPA.

**ATTACHMENT(S):**

- 1) Hotline referral 2017-0016

**ATTACHMENT(S):**

1. Hotline referral 2017-0016



2017-0016  
referral.pdf

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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1301 CONSTITUTION AVE., NW  
WASHINGTON, DC 20004

DATE: AUGUST 3, 2017

PREPARED BY: [REDACTED]

CASE #: OI-HQ-2017-ADM-0031

CROSS REFERENCE #: OI-HQ-2014-ADM-0119

TITLE: (b) (6), (b) (7)(C)

GS-13, (b) (6), (b) (7)(C)

EPA

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C), GS-13	WASHINGTON, DC	

VIOLATION:

18 U.S.C. § 641: Theft of Public Money, Property or Records

ALLEGATION:

On November 14, 2013, the Office of Professional Responsibility, Office of Investigations, Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA), received an EPA OIG Hotline complaint reporting potential employee misconduct by (b) (6), (b) (7)(C)

EPA, and (b) (6), (b) (7)(C)

EPA.

Specifically, the complaint alleged that (b) (6), (b) (7)(C) was out of the office for extended periods of time and fraudulently claimed regular and/or telework hours on (b) (6), (b) (7)(C) time and attendance records. The complaint also alleged that (b) (6), (b) (7)(C) knowingly approved (b) (6), (b) (7)(C) time and attendance even though fraudulent information was reported.

FINDINGS:

There was sufficient evidence to support the allegation that (b) (6), (b) (7)(C) submitted and attested time and attendance records that (b) (6), (b) (7)(C) was in work status while in fact (b) (6), (b) (7)(C) was on personal international travel. OIG special agents identified that (b) (6), (b) (7)(C) took seven (7) international trips from December 21, 2009 to January 3, 2016, while each time claiming regular and/or telework hours. Based on a limited audit of (b) (6), (b) (7)(C) time and attendance records, which were compared to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), (b) (7)(E) claimed 109.5 hours of work totaling \$5,707.93 while on personal international travel.

## DISPOSITION:

On August 16, 2016, this case was presented to the United States Attorney's Office for the District of Columbia. The Fraud and Public Corruption Section (FPCS) declined federal prosecution of (b) (6), (b) (7)(C) based on the (b) (5), (b) (7)(E) [REDACTED].

On March 10, 2017, the EPA OIG issued a Final Summary Report regarding this investigation to (b) (6), (b) (7)(C) [REDACTED] EPA, and (b) (6), (b) (7)(C) [REDACTED] Office of General Counsel, EPA.

On March 16, 2017, (b) (6), (b) (7)(C) [REDACTED] informed the case agent that (b) (6), (b) (7)(C) [REDACTED] resigned from federal service, effective (b) (6), (b) (7)(C) [REDACTED] 2017, and therefore the EPA could not take any administrative action against (b) (6), (b) (7)(C) [REDACTED]. (b) (6), (b) (7)(C) [REDACTED] also informed the case agent that the agency would attempt to recover p any funds paid to (b) (6), (b) (7)(C) [REDACTED] that have been deemed fraudulent.

If EPA recovers any funds deemed fraudulent by (b) (6), (b) (7)(C) [REDACTED], this case will be re-opened to memorialize the action.

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended for closure.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL

1301 CONSTITUTION AVE., NW  
WASHINGTON, DC 20004

CASE #: OI-HQ-2017-ADM-0031

CROSS REFERENCE #: OI-HQ-2014-ADM-0119

TITLE: (b) (6), (b) (7)(C), GS-13, (b) (6), (b) (7)(C)  
EPA

CASE AGENT (if different from prepared by): (b) (6), (b) (7)(C)

CASE INITIATION

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON DC 20005	

NARRATIVE:

On November 14, 2013, the Office of Professional Responsibility, OI OIG EPA received an EPA Office of Inspector General Hotline complaint reporting potential employee misconduct by

(b) (6), (b) (7)(C)  
EPA, and (b) (6), (b) (7)(C)

EPA. Specifically, the complaint stated that (b) (6), (b) (7)(C) knowingly approved fraudulent time and attendance records submitted by (b) (6), (b) (7)(C).

A case was initiated listing (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) both as subjects. On November 18, 2016, the case involving (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were separated. As such, this case will focus (b) (6), (b) (7)(C) on

On August 16, 2016, the facts of these cases were presented to the United States Attorneys Office for the District of Columbia. (b) (5), (b) (7)(E)

therefore the USAO declined prosecution, but indicated that any administrative remedy would be appropriate.

ATTACHMENTS:

1. OIG Hotline Complaint 2014-015, received on November 14, 2013
2. OIG Hotline Complaint 2014-015 additional doc. Received on November 14, 2013

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## **ATTACHMENTS:**

1. OIG Hotline Complaint 2014-015, received on November 14, 2013



2014-015 referral  
(2).pdf

2. OIG Hotline Complaint 2014-015 additional doc. Received on November 14, 2013



2014-015 add  
document.pdf

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

1200 PENNSYLVANIA AVE., NW  
WASHINGTON, DC 20460

DATE: May 3, 2018

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-ADM-0036

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) GS-15, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	EPA	

POTENTIAL VIOLATIONS: Title 18 U.S.C. 1001 -False Statements

ALLEGATIONS: OI interviewed (b) (6), (b) (7)(C) (See attached) The purpose of this interview was to determine whether there was a credible threat made against (b) (6), (b) (7)(C) by (b) (6), (b) (7)(C) EPA. During the course of the interview (b) (6), (b) (7)(C) indicated the following with regard to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) told her that (b) (6), (b) (7)(C) had made a previous arrangement with (b) (6), (b) (7)(C). The arrangement consisted of (b) (6), (b) (7)(C) oversaw (b) (6), (b) (7)(C) for at least two (2) years and felt that (b) (6), (b) (7)(C) could help (b) (6), (b) (7)(C)

INVESTIGATIVE FINDINGS: On various dates, OI conducted interviews to determine whether (b) (6), (b) (7)(C) may have allowed (b) (6), (b) (7)(C) to be absent during core working hours. This investigation did not uncover any information to support that an agreement existed between (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) which would have allowed (b) (6), (b) (7)(C) to be absent during core working hours.

DISPOSITION: This investigation did not support the allegation that (b) (6), (b) (7)(C) allowed (b) (6), (b) (7)(C) to be absent during the work day in (b) (6), (b) (7)(C). Absent any new information to support the allegation, this case is being closed with no further action.

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
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**DATE:** FEBRUARY 9, 2018

**PREPARED BY:** SA (b) (6), (b) (7)(C)

**CASE #:** OI-HQ-2017-ADM-0066

**CROSS REFERENCE #:** COMP 2017-0084

**TITLE:** (b) (6), (b) (7)(C) GS-15, (b) (6), (b) (7)(C)

**CASE CLOSING REPORT**

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

**COMPLAINT:**

On January 9, 2017, the Environmental Protection Agency (EPA), Office of Inspector General (OIG), Hotline received a letter concerning the possible “burrowing in” of employees in Region 9. The letter alleges that two employees were converted to permanent status from their previous Schedule C appointments in violation of federal civil service policy designed to prevent political favoritism. For the first EPA employee named in the letter, no complaint was opened as it was confirmed upon basic inquiry that the letter was not accurate in its allegation. However, the second EPA employee (b) (6), (b) (7)(C), EPA, had been hired under an Administratively Determined (AD) appointment. Based upon the complaint, the Office of Investigations (OI) investigated the following allegation: Was (b) (6), (b) (7)(C) converted to a permanent position without following applicable Office of Personnel Management (OPM) and EPA policy.

**BACKGROUND:**

On March 20, 2016, (b) (6), (b) (7)(C), was converted from an AD position to an excepted service position under a Schedule A appointment. OPM does not classify AD positions as political appointments, they are typically used as an efficient method of direct hire for agencies. However, the EPA has treated AD positions as political appointments, and OPM recognizes this as a common practice among agencies that have few political appointments available (such as Schedule C) (b) (6), (b) (7)(C)

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## INVESTIGATIVE FINDINGS:

The allegation of whether (b) (6), (b) (7)(C) was converted to a permanent position without following applicable OPM and EPA policy is unsupported, and further, there is no evidence that (b) (6), (b) (7)(C) engaged in any manipulation of (b) (6), (b) (7)(C) to obtain a Schedule A appointment.

On August 3, 2017, during an interview with OIG special agents, (b) (6), (b) (7)(C)



On August 3, 2017, (b) (6), (b) (7)(C) during an interview with OIG special agents, was asked if proper procedures were followed in the Schedule A appointment of (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that proper procedures were followed, and (b) (6), (b) (7)(C) was legitimately hired under Schedule A authority. In addition, (b) (6), (b) (7)(C) described providing the (b) (6), (b) (7)(C) with all the necessary human resources policies and regulations regarding the hiring process.

On August 3, 2017, (b) (6), (b) (7)(C) was interviewed by OIG special agents. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) had questioned (b) (6), (b) (7)(C) conversion on the mistaken assumption (b) (6), (b) (7)(C) was a Schedule C appointee (an assumption also mentioned in the complaint), and without knowledge of (b) (6), (b) (7)(C) Schedule A status. (b) (6), (b) (7)(C) stated that the (b) (6), (b) (7)(C) position had been unfilled for some time and that they had previously been unable to find a suitable candidate. (b) (6), (b) (7)(C) described (b) (6), (b) (7)(C) as the first “really capable” (b) (6), (b) (7)(C).

On August 16, 2017, (b) (6), (b) (7)(C) was interviewed by OIG special agents. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) spoke with (b) (6), (b) (7)(C) regarding (b) (6), (b) (7)(C) employment status at EPA, and it was determined (b) (6), (b) (7)(C) was not a political appointee, such as Schedule C. (b) (6), (b) (7)(C) also spoke with (b) (6), (b) (7)(C), then (b) (6), (b) (7)(C), Office of General Council (OGC), and (b) (6), (b) (7)(C) then (b) (6), (b) (7)(C), regarding (b) (6), (b) (7)(C) AD status, and (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was told (b) (6), (b) (7)(C) was not a Schedule C appointee, and therefore, could be hired without OPM approval. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) spent three months researching this issue to make sure (b) (6), (b) (7)(C) was doing the right thing by hiring (b) (6), (b) (7)(C). During an interview with OIG special agents, (b) (6), (b) (7)(C) stated no specific conversion policy was discussed as there was no agreed upon hiring policy at the time. (b) (6), (b) (7)(C)

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commented that although (b) (6), (b) (7)(C) could not directly tell (b) (6), (b) (7)(C) could not hire (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) that the administration expected political appointees, to include AD's, to resign.

Additionally, based upon OI's collective review of documents, emails, and interviews, it is established that EPA guidance on political appointments and conversions was not distributed to the agency until after (b) (6), (b) (7)(C) appointment in 2016. Moreover, it is established that the anonymous hotline complaint letter was incorrect in stating (b) (6), (b) (7)(C) was converted from a Schedule C appointment, as it was an AD appointment. Last, the interviews revealed that there was a general lack of understanding of whether an AD is a political appointment.

## **RECOMMENDATION:**

This case is recommended for closure with no further investigatory action.

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**OFFICE OF INSPECTOR GENERAL**  
1301 CONSTITUTION AVE., NW  
WASHINGTON, DC 20004

**CASE #:** OI-HQ-2017-ADM-0066

**CROSS REFERENCE #:**

**TITLE:** (b) (6), (b) (7)(C) GS-15, (b) (6), (b) (7)(C)

**CASE AGENT (if different from prepared by):**

**CASE INITIATION**

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

**NARRATIVE:**

On January 9, 2017, the Environmental Protection Agency (EPA), Office of Inspector General (OIG), Hotline received a letter concerning the possible “burrowing in” of employees in Region 9. The letter alleges that two employees were converted to permanent status from their previous Schedule C status in violation of federal civil service policy designed to prevent political favoritism. After some basic inquiries were made, it was discovered (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), was converted from an Administratively Determined (AD) position to an excepted service position under a Schedule A appointment without following an internal review process [Attachment 1-2].

The EPA OIG is opening an investigation into the possible violation of applicable regulations and EPA policy with regard to (b) (6), (b) (7)(C) conversion.

The second employee named in the complaint is (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) conversion was reviewed and determined to have been done in accordance with applicable regulations [Attachment 2].

**ATTACHMENT**

1. January 9, 2017 EPA-OIG Hotline Complaint 2017-0084 memorandum and attachments.
2. (b) (6), (b) (7)(C) email 01/13/17 regarding (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) conversion

## ATTACHMENT

1. January 9, 2017 EPA-OIG Hotline Complaint 2017-0084 memorandum and attachments.



(b) (6), (b) (7)(C)  
2017-0084  
referral.pdf

2. (b) (6), (b) (7)(C) email 01/13/17 regarding (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) conversion.



(b) (6), (b) (7)(C)  
email 011317  
R (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) .pdf





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**OFFICE OF INSPECTOR GENERAL**  
1301 CONSTITUTION AVE., NW  
WASHINGTON, DC 20004

**DATE:** DECEMBER 15, 2017

**PREPARED BY:** (b) (6), (b) (7)(C)

**CASE #:** OI-HQ-2017-ADM-0082

**CROSS REFERENCE #:** OI-HQ-2016-ADM-0075

**TITLE:** (b) (6), (b) (7)(C)

**CASE CLOSING REPORT**

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	WASHINGTON, DC	

**VIOLATION(S):**

1. 18 U.S.C. § 1001 – False statements
2. 40 CFR § 7.120 – Nondiscrimination in Programs Receiving Federal Assistance from the Environmental Protection Agency, Complaint Investigations
3. EPA ORDER 3120.1 – Appendix-Guidance on Corrective Discipline: (7) Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful; (16) Deliberate misrepresentation, falsification, concealment or withholding of a material fact, or refusal to testify or cooperate in an official proceeding; (22) Negligent performance of duties; (27) Forging or falsifying official Government records or documents
4. EPA Order 4701: Title VI Case Management Protocol

**ALLEGATION:**

On April 12, 2016, the Office of Professional Responsibility (OPR), Office of Investigations (OI), Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA), received an EPA OIG Hotline complaint reporting potential employee misconduct and mismanagement regarding the (b) (6), (b) (7)(C) electronic mailbox (e-mail account) of the (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) alleged that management officials in the (b) (6), (b) (7)(C) falsified records, attempted to “cover-up” information related to a Flint, Michigan resident who submitted a (b) (6), (b) (7)(C) complaint to the (b) (6), (b) (7)(C) e-mail account, and failed to inform the EPA Administrator of the complaints they received related to contamination in Flint, Michigan’s water system when queried for input for the Administrator’s Congressional testimony.

On June 3, 2016, a case was initiated to investigate the aforementioned allegations against the (b) (6), (b) (7)(C) (Case number: OI-HQ-2016-ADM-0075). As indicated in that case’s Report of Investigation (ROI), the allegations of misconduct alleged to have been specifically committed by management officials in the (b) (6), (b) (7)(C) was reported in separate ROIs. Thus, separate

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investigations were initiated, and this investigation specifically focused on the allegation related to (b) (6), (b) (7)(C)

Based upon the foregoing information, as well as additional information independently obtained during the course of the investigation, the OIG identified and investigated the following allegation posed against (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) directed an (b) (6), (b) (7)(C) employee to use an inaccurate date on an acknowledgement letter, even though (b) (6), (b) (7)(C) knew it was not accurate. Specifically, at the direction of (b) (6), (b) (7)(C) the (b) (6), (b) (7)(C) issued an acknowledgment letter to (b) (6), (b) (7)(C), a complainant who e-mailed the (b) (6), (b) (7)(C) e-mail account, stating that (b) (6), (b) (7)(C) received (b) (6), (b) (7)(C) e-mailed complaint on March 8, 2016, although (b) (6), (b) (7)(C) e-mail to the (b) (6), (b) (7)(C) was sent on February 25, 2015.

## FINDINGS:

The allegation that (b) (6), (b) (7)(C) knowingly directed an (b) (6), (b) (7)(C) employee to use an inaccurate date on an acknowledgement letter that was sent to (b) (6), (b) (7)(C) is inconclusive. During interviews with OIG special agent, the (b) (6), (b) (7)(C) employee and (b) (6), (b) (7)(C) provided different explanations as to why an inaccurate date was on the acknowledgement letter. The (b) (6), (b) (7)(C) employee stated that (b) (6), (b) (7)(C) directed them to use the date of March 8, 2016 instead of February 25, 2015, but (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) did not recall telling the (b) (6), (b) (7)(C) employee to use the incorrect date.

## DISPOSITION:

During the review of related case number OI-HQ-2016-ADM-0075, the Civil Division, Civil Rights Division, and Fraud and Public Corruption Division, Department of Justice, Washington DC, reviewed all the facts related to the allegation concerning (b) (6), (b) (7)(C). On August 25, 2016, the Civil Division declined civil action based on no (b) (5), (b) (7)(E). On August 29, 2016, the Civil Rights Division declined prosecution based on (b) (6), (b) (7)(C), (b) (5), (b) (7)(E). In addition, on December 19, 2016, the Fraud and Public Corruption Division declined prosecution for potential violations of 18 U.S.C. § 1001, 18 U.S.C. § 1016 and 18 U.S.C. § 1038, as such, this was purely an administrative investigation.

On (b) (6), (b) (7)(C), 2017, (b) (6), (b) (7)(C) retired from federal service, therefore no administrative action was taken by the EPA.

Based upon the foregoing, there are no further investigative steps to be taken and this case is recommended for closure.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**OFFICE OF INSPECTOR GENERAL**  
1301 CONSTITUTION AVE., NW  
WASHINGTON, DC 20004

**CASE #:** OI-HQ-2017-ADM-0082

**CROSS REFERENCE #:**

**TITLE:** (b) (6), (b) (7)(C)

**CASE AGENT (if different from prepared by):** (b) (6), (b) (7)(C), SPECIAL AGENT

**CASE INITIATION**

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	WASHINGTON, DC	

**NARRATIVE:**

On April 12, 2016, the Office of Professional Responsibility (OPR), Office of Investigations (OI), Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA), received an EPA OIG Hotline complaint reporting potential employee misconduct and mismanagement regarding the (b) (6), (b) (7)(C) electronic mailbox (e-mail account) of the (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) alleged that management officials in the (b) (6), (b) (7)(C) falsified records, attempted to “cover-up” information related to a Flint, Michigan resident who submitted a civil rights complaint to the (b) (6), (b) (7)(C) e-mail account, and failed to inform the EPA Administrator of the complaints they received related to contamination in Flint, Michigan’s water system when queried for input for the Administrator’s congressional testimony. [Attachment 1]

On June 3, 2016, a case<sup>2</sup> was initiated to investigate the allegations. Based on information developed during the investigation, the OIG identified that the potential employee misconduct and mismanagement of the (b) (6), (b) (7)(C) e-mail account occurred from June 2014 to July 2015. On March 20, 2017, a Report of Investigation was issued to (b) (6), (b) (7)(C), detailing the specifics of the investigation.

As indicated in that ROI, the allegations of misconduct alleged to have been specifically committed by management officials in the (b) (6), (b) (7)(C) would be reported in separate ROIs. Thus,

<sup>1</sup> According to the agency website, as of December 2016, the functions of (b) (6), (b) (7)(C) have been reorganized and are now in the (b) (6), (b) (7)(C).

<sup>2</sup> OI Case Number: OI-HQ-2016-ADM-0075: (b) (6), (b) (7)(C) MISMANAGEMENT OF (b) (6), (b) (7)(C) WEB-BASED COMPLAINT MAILBOX

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separate investigations were initiated, and this case specifically focuses on the allegations against:

- (b) (6), (b) (7)(C)

Based upon the foregoing information, as well as additional information independently obtained during the investigation, the OIG identified and investigated the following allegations related to the OCR:

1. (b) (6), (b) (7)(C) directed an (b) (6), (b) (7)(C) employee to use an inaccurate date on an acknowledgement letter, even though (b) (6), (b) (7)(C) knew it was not accurate. Specifically, at the direction of (b) (6), (b) (7)(C), the (b) (6), (b) (7)(C) issued an acknowledgment letter to (b) (6), (b) (7)(C) a complainant who e-mailed the (b) (6), (b) (7)(C) e-mail account, stating that (b) (6), (b) (7)(C) received (b) (6), (b) (7)(C) e-mailed complaint on March 8, 2016, although (b) (6), (b) (7)(C) e-mail to the (b) (6), (b) (7)(C) was sent on February 25, 2015.

On August 25, 2016, the EPA OIG consulted with the United States Attorney's Office (USAO) for the District of Columbia, Washington, DC, Civil Division regarding the allegations addressed in the OI case number OI-HQ-2016-ADM-0075: (b) (6), (b) (7)(C) MISMANAGEMENT OF (b) (6), (b) (7)(C) WEB-BASED COMPLAINT MAILBOX. The USAO Civil Division declined civil action based on the facts presented, and (b) (5), (b) (7)(E)

In addition, on August 29, 2016, the EPA OIG consulted with the Department of Justice Civil Rights Division, Washington, DC, regarding the allegations for potential violations of 18 U.S.C. § 1001, and any applicable civil rights violations. The DOJ Civil Rights Division indicated that based upon the facts, there was (b) (5), (b) (7)(E)

Lastly, On December 9, 2016, the EPA OIG consulted with the USAO for the District of Columbia, Washington, DC, Fraud and Public Corruption, regarding the allegations for potential violations of 18 U.S.C. § 1001. The USAO declined prosecution based on the facts presented.

Because OI case number OI-HQ-2016-ADM-0075 was declined criminal prosecution, this case will be solely administrative.

#### ATTACHMENT:

1. EPA OIG Hotline Referral - 2016-0145 - (b) (6), (b) (7)(C) Mismanagement

**ATTACHMENT:**

1. EPA OIG Hotline Referral - 2016-0145 - (b) (6), (b) (7)(C) Mismanagement



EPA OIG Hotline  
Referral - 2016-0145





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL

DATE: APRIL 5, 2018

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-ADM-0141

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C), GS-14, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	

**VIOLATION(S):** Purely Administrative: Employee Misconduct: Inconsistencies reported on personnel documentation utilized to obtain employment.

**ALLEGATION:** This investigation was initiated when (b) (6), (b) (7)(C) Environmental Protection Agency (EPA), noticed numerous inconsistencies pertaining to periods of unemployment and over-lapping periods of federal and contractor employment, contained within the personnel paperwork utilized by (b) (6), (b) (7)(C) EPA, to gain employment, and contacted the OIG with (b) (6), (b) (7)(C) concerns.

**FINDINGS:** Special Agent (SA) (b) (6), (b) (7)(C) Office of Professional Responsibility (OPR), Office of Investigations (OI), Office of Inspector General (OIG), EPA, conducted a document review and confirmed the inconsistencies identified by (b) (6), (b) (7)(C). SA (b) (6), (b) (7)(C) then conducted an interview with (b) (6), (b) (7)(C) who acknowledged the reported inconsistencies, but stated that (b) (6), (b) (7)(C) was not sure why (b) (6), (b) (7)(C) reported (b) (6), (b) (7)(C) previous employment positions and over-lapping periods of unemployment in this manner. (b) (6), (b) (7)(C) maintained that (b) (6), (b) (7)(C) never purposefully misrepresented (b) (6), (b) (7)(C) time periods and positions of employment and unemployment.

**DISPOSITION:** (b) (6), (b) (7)(C) used the admissions obtained in the (b) (6), (b) (7)(C) interview as a basis to terminate (b) (6), (b) (7)(C) employment within (b) (6), (b) (7)(C) one (1) year probationary status. This case was a purely administrative case. Based upon the aforementioned, there are no remaining investigative steps and this investigation is recommended for closure with no further action. Should new information become available, the EPA-OIG retains the right to re-open the investigation.

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1301 CONSTITUTION AVE, NW  
WASHINGTON, DC 20004

**CASE #:** OI-HQ-2017-ADM-0141

**CROSS REFERENCE #**

**TITLE:** (b) (6), (b) (7)(C), GS-14, (b) (6), (b) (7)(C)

**CASE AGENT (if different from prepared):**

**CASE INITIATION**

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	Washington, DC	

On August 11, 2017, (b) (6), (b) (7)(C) Office of Professional Responsibility (OPR), Office of Investigations (OI), Office of Inspector General (OIG), US Environmental Protection Agency (EPA), directed Special Agent (SA) (b) (6), (b) (7)(C), OPR, OI, OIG, EPA, to contact (b) (6), (b) (7)(C) EPA regarding alleged employee misconduct. While reviewing personnel documents pertaining to (b) (6), (b) (7)(C), EPA, (b) (6), (b) (7)(C) noticed numerous inconsistencies contained within the paperwork, and contacted the OIG with (b) (6), (b) (7)(C) concerns.

On August 15, 2017, SA (b) (6), (b) (7)(C) requested a Hotline Number from the OIG Hotline (Attachment 1), and initiated an employee misconduct investigation.

**CASE #:**  
OI-HQ-2017-ADM-0141

**PREPARED BY:**  
SA (b) (6), (b) (7)(C)

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**Attachment(s):**

1. Hotline Complaint



2017-0362  
referral.pdf

**CASE #:**  
OI-HQ-2017-ADM-0141

**PREPARED BY:**  
SA (b) (5), (b) (7)(C)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL

DATE: APRIL 23, 2018

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2018-ADM-0014

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C)

EPA

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	

**VIOLATION(S):** 18 USC § 1001 – False Statements

**ALLEGATION:** This investigation was initiated after receiving a referral from (b) (6), (b) (7)(C) Environmental Protection Agency (EPA), regarding alleged employee misconduct by (b) (6), (b) (7)(C) EPA. Specifically, it is alleged that (b) (6), (b) (7)(C) did not report leaving previous employment at the (b) (6), (b) (7)(C), under threat of being fired on (b) (6), (b) (7)(C) OPM-306 form.

**FINDINGS:** Special Agent (SA) (b) (6), (b) (7)(C) Office of Professional Responsibility (OPR), Office of Investigations (OI), Office of Inspector General (OIG), EPA, opened an investigation into the matter at the direction of (b) (6), (b) (7)(C) OPR, OI, OIG, EPA. SA (b) (6), (b) (7)(C) conducted numerous document and personnel file reviews, to include (b) (6), (b) (7)(C) personnel file at the (b) (6), (b) (7)(C). SA (b) (6), (b) (7)(C) discussed the matter with (b) (6), (b) (7)(C) officials and was informed that (b) (6), (b) (7)(C) was not under threat of removal when (b) (6), (b) (7)(C) self-terminated (b) (6), (b) (7)(C) employment with the (b) (6), (b) (7)(C). The allegation is not supported.

**DISPOSITION:** The case was not presented to the United States Attorney's Office – District of Washington D.C. (USAO – DC) and was handled in an administrative manner only. Based upon the aforementioned, there are no remaining investigative steps and this investigation is recommended for closure with no further action. Should new information become available, the EPA-OIG retains the right to re-open the investigation.

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WASHINGTON, DC 20004

**CASE #:** OI-HQ-2018-ADM-0014

**CROSS REFERENCE #**

**TITLE:** (b) (6), (b) (7)(C)

EPA

**CASE AGENT (if different from prepared):**

**CASE INITIATION**

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	

On October 31, 2017, Special Agent (SA) (b) (6), (b) (7)(C) Office of Professional Responsibility (OPR), Office of Investigations (OI), Office of Inspector General (OIG), Environmental Protection Agency (EPA), was directed to open an investigation by (b) (6), (b) (7)(C) OPR, OI, OIG, EPA, regarding alleged employee misconduct by (b) (6), (b) (7)(C) EPA. The complaint was referred, via email, to the OIG by (b) (6), (b) (7)(C) EPA.

SA (b) (6), (b) (7)(C) sent the email complaint (Attachment 1) to the OIG Hotline for opening and hotline number assignment (Attachment 2).

**CASE #:**  
OI-HQ-2018-ADM-0014

**PREPARED BY:**  
SA (b) (6), (b) (7)(C)

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**Attachment(s):**

1. Email allegation from (b) (6), (b) (7)(C) dated October 31, 2017



(b) (6), (b) (7)(C) email  
regarding (b) (6), (b) (7)(C) d:

2. Hotline Complaint, number 2018-0082



2018-0082  
referral.pdf

**CASE #:**  
OI-HQ-2018-ADM-0014

**PREPARED BY:**  
SA (b) (6), (b) (7)(C)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL  
1301 CONSTITUTION AVENUE, NW  
WASHINGTON DC 20004

DATE: AUGUST 29, 2017

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2017-ADM-0092

CROSS REFERENCE #: HOTLINE COMP  
2016-0188

TITLE: (b) (6), (b) (7)(C) GS-14, (b) (6), (b) (7)(C)

CASE SUMMARY REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	WASHINGTON, DC	

COMPLAINT: Violation of telework agreement, and locality pay.

BACKGROUND:

On May 17, 2016, Special Agent (b) (6), (b) (7)(C) received information via a hotline complaint (OIG General Hotline Complaint 2016-0188) that (b) (6), (b) (7)(C) GS-14, (b) (6), (b) (7)(C) was in violation of (b) (6), (b) (7)(C) telework agreement. This complaint was initially declined by the Office of Investigations (OI) and the Washington Field Office-OI, Office of the Inspector General (OIG). On February 7, 2017, the complaint was resubmitted by the Labor and Employee Relations Division (LERD), EPA.

INVESTIGATIVE FINDINGS:

Based on the complaint and information gathered during the investigation, OI identified and investigated the following allegations: 1. Did (b) (6), (b) (7)(C) from approximately 2011 until 2017, reside and telework in (b) (6), (b) (7)(C) while claiming a (b) (6), (b) (7)(C) address on official signed telework agreements, and 2. Did (b) (6), (b) (7)(C) list a (b) (6), (b) (7)(C) address on an official signed medical flexiplace agreement while teleworking from (b) (6), (b) (7)(C) residence in (b) (6), (b) (7)(C) from March 2016 to May 2016, while claiming Washington, DC locality pay. Based upon the evidence both allegations are supported.

On May 17, 2017, OIG Special Agents conducted a recorded interview of (b) (6), (b) (7)(C). During the interview, (b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) lived at (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) has considered (b) (6), (b) (7)(C) permanent residence since

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2011. Further, (b) (6), (b) (7)(C) admitted that (b) (6), (b) (7)(C) has teleworked on a weekly basis from (b) (6), (b) (7)(C) since 2011.

According to LERD, from 2011 through 2016, all of (b) (6), (b) (7)(C) signed telework agreements list a (b) (6), (b) (7)(C) address. Specifically, (b) (6), (b) (7)(C) most recent telework agreement, dated August 2, 2016, listed (b) (6), (b) (7)(C), as (b) (6), (b) (7)(C) authorized telework address. In addition, (b) (6), (b) (7)(C) signed a medical flexiplace agreement with the same (b) (6), (b) (7)(C) address on February 18, 2016. All (b) (6), (b) (7)(C) medical documentation was from providers in (b) (6), (b) (7)(C).

OIG Special Agents reviewed the EPA issued cellular phone records of (b) (6), (b) (7)(C) during the time frame from February 2016 to March 2017. This review identified that during that time most of the outgoing calls by (b) (6), (b) (7)(C) originated from (b) (6), (b) (7)(C) while (b) (6), (b) (7)(C) was in telework and medical flexiplace status.

(b) (6), (b) (7)(C) was counseled and presented with a five-day suspension that (b) (6), (b) (7)(C) served in May 2017. At that time, (b) (6), (b) (7)(C) telework agreement was suspended. On (b) (6), (b) (7)(C), 2017, (b) (6), (b) (7)(C) submitted (b) (6), (b) (7)(C) resignation to the EPA. LERD reported (b) (6), (b) (7)(C) was in AWOL status for failure to appear for work as scheduled prior to (b) (6), (b) (7)(C) resignation.

#### **RECOMMENDATION:**

On (b) (6), (b) (7)(C) 2017, OPR obtained a copy of (b) (6), (b) (7)(C) SF50, confirming (b) (6), (b) (7)(C) resignation from the EPA effective (b) (6), (b) (7)(C) 2017.

This case is recommended for closure with no further investigatory action.